



PATENT  
Attorney Docket No. P2048US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael A. Arkes

Application No. 09/414,951

Art Unit: 2164

Filed: October 8, 1999

Examiner: Charles R. Kyle

For: An Incentive Points Redemption  
Program Carried Out Via  
An On-Line Auction

DECLARATION UNDER 37 C.F.R. § 1.131 AND § 1.132

We, the undersigned, hereby declare the following:

1. We are the named inventor and a person having personal knowledge of the facts concerning conception and completion of the claimed inventive subject matter of the above-captioned patent application.
2. We are aware of the following reference, U.S. Patent No. 6,178,408 (Copple et al.) which has been cited by the U.S. Patent and Trademark Office as prior art in rejecting claims 14 and 15 of our application under 36 U.S.C. § 103 in view of U.S. Patent No. 6,012,045 (Barzilai et al.).
3. Copple et al. has a filing date of July 14, 1999.
4. We declare that the actual reduction to practice of the presently claimed invention occurred no later than during the month of June 1999, after loading the necessary software and auction database data onto computer system hardware and running a simulated points-based auction to verify its proper operation.

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5. Exhibit A to this Declaration comprises true and accurate reproductions of screen shots generated for a points-based auction system that has an archive date of July 19, 1999. However, the functionality represented within these screen-shots existed on a system that was complete, in the sense of the claimed subject matter of the currently pending application, in June of 1999. This is evident from the screen-shot on p.18 of Exhibit A that shows the screen was created on August 10, 1998 and added to the Sharp Auction Database on June 10, 1999.

6. Exhibit A provides the following:

Sheets 1-2 (Preamble):

Sheet 1 is a screen shot of the Ever-Sharp Main auction web page. Sheet 2 shows the Web page code for Sheet 1.

Sheet 3 (Participants' Database):

Sheet 3 shows Jim Scott's retrieved participant information.

Sheets 4-6 (Auction Items Database):

Sheets 4 and 5 show Auction Hall's screen shot. Sheet 6 shows a page generated from the database concerning a Tiffany Lamp.

Sheet 7 (Network Interface Sheet):

Sheet 7 shows the Main Page for the Ever-Sharp Web Site through which the auction is accessed.

Sheet 8-10 (Participant Authenticator Sheet):

Sheets 8, 9 and 10 are the Logon, Registration and Forgotten Password screens, respectively.

Sheet 11 (Bid Placement Sheet):

Sheet 11 is the screen shot showing how a bid is placed.

**Sheets 12-15 (Bid Verifier Sheets):**

Sheet 12 shows that the bid was transmitted successfully. Sheet 13 is the return screen when the bid is transmitted. Sheet 14 shows that the bid was invalid. Sheet 15 shows the screen where the bid amount is entered and the screen where the input is validated.

**Sheet 16 (Bid History):**

Sheet 16 shows the bid history in points. Note, the screen shot on sheet 16 indicates that the document was created on **08/10/1988** and modified on **06/09/1999**.

**Sheet 17 (Auction Item's Database)**

Sheet 17 shows an auction item, the bid criteria and bid history.

**Sheet 18 (Winner's Circle)**

Sheet 18 shows the auction winners' bid amounts in points. Note, the screen shot on sheet 18 indicates that the document was created on **08/10/1988** and added to the Sharp Auction Database on **06/10/1999**. The document was last modified on **07/19/1999**.

7. Claim 14 includes 7 elements. Sheets 1-18 of Exhibit A demonstrate the fact that each of these elements was present in the invention as early as June 1999.

8. The existence of the first element of claim 14, an authorized participants database, is shown by the display on Sheet 3.

9. The existence of the second element of claim 14, an auction item database, is shown by the display in Sheets 6, 11 and 17.

10. The existence of the third claim element, a network communication interface, is shown by the display on Sheets 1, 2 and 7.

11. The existence of the fourth claim element, an interactive server that includes a participant authenticator, is shown by the display on Sheets 8-10.

12. The existence of the fifth claim element, an auction item display generator that responds to requests from authorized participants via the network to retrieve, from the auction item database, information relating to a selected auction item is shown in by the display on Sheets 6, 11 and 17.

13. The existence of the sixth claim element, a bid verifier, is confirmed by the display in Sheets 12-15.

14. The existence of the seventh claim element, a bid register, is shown by the display in Sheets 16 and 18.

15. Exhibit B provides the following:

Sheets 1 and 2

Welcome screen for new participants showing participants' contact information.

Sheet 3

Bid summary sheet showing mailing and email address of winning participant. The date of the winning bid is shown as 07/19/99.

16. Claim 15 depends from claim 14 and includes the additional element of each participant entry including participant contact information. Sheets 1-3 of Exhibit B demonstrate the fact that this additional element was present in the invention as early as June 1999.

17. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

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United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

Date: 12/17/03

Date: 12/17/03



Michael A. Arkes



Bradford R. Parkinson